



## **PLANNING COMMISSION AGENDA**

**Wednesday, October 11, 2006**

6:30 p.m. General Plan & Regular Meeting  
Council Chambers  
City Hall Wing

200 East Santa Clara Street  
San Jose, California

**Xavier Campos, Chair**  
**James Zito, Vice-Chair**

**Dang T. Pham      Bob Dhillon**  
**Christopher Platten**  
**Ash Kalra      Matt Kamkar**

**Joseph Horwedel, Acting Director**  
**Planning, Building and Code Enforcement**

## NOTE

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, we ask that you call (408) 535-7800 (VOICE) or (408) 998-5299 (TTY) at least two business days before the meeting. If you requested such an accommodation please identify yourself to the technician seated at the staff table. If you did not call in advance and do now need assistance, please see the technician.

## NOTICE TO THE PUBLIC

Good evening, my name is **Xavier Campos** and I am the Chair of the Planning Commission. On behalf of the entire Planning Commission, I would like to welcome you to the Planning Commission Public Hearing of **Wednesday, October 11, 2006**. Please remember to turn off your cell phones and pagers. Parking ticket validation machines for the garage under City Hall are located at the rear of the Chambers. If you want to address the Commission, **fill out a speaker card (located on the table by the door, on the parking validation table at the back, and at the bottom of the stairs near the AV technician. Deposit the completed card in the basket near the Planning Technician. Please include the agenda item number (not the file number) for reference. Example: 4a, not PD06-023.**

The procedure for this hearing is as follows:

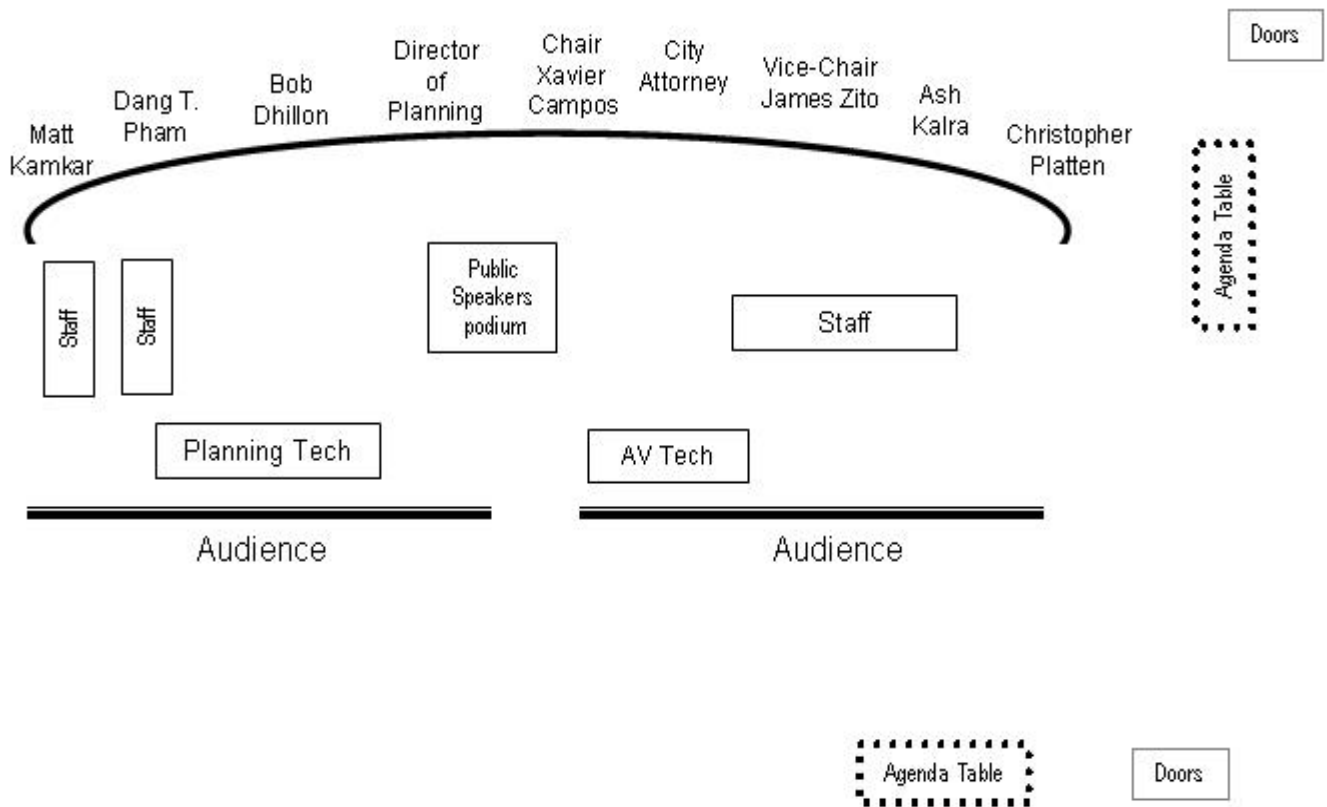
- After the staff report, applicants and appellants may make a 5-minute presentation.
- The chair will call out names on the submitted speaker cards in the order received.
- As your name is called, line up in front of the microphone at the front of the Chamber. Each speaker will have two minutes.
- After the public testimony, the applicant and appellant may make closing remarks for an additional five minutes.
- Planning Commissioners may ask questions of the speakers. These questions will not reduce the speaker's time allowance.
- The public hearing will then be closed and the Planning Commission will take action on the item. The Planning Commission may request staff to respond to the public testimony, ask staff questions, and discuss the item.

**If you challenge these land use decisions in court, you may be limited to raising only those issues you or someone else raised at this public hearing or in written correspondence delivered to the City at, or prior to, the public hearing.**

**The Planning Commission's action on rezoning, prezonings, General Plan Amendments and Code Amendments is advisory only to the City Council. The City Council will hold public hearings on these items.** Section 20.120.400 of the Municipal Code provides the procedures for legal protests to the City Council on rezonings and prezonings. The Planning Commission's action on Conditional Use Permit's is appealable to the City Council in accordance with Section 20.100.220 of the Municipal Code. Agendas and a binder of all staff reports have been placed on the table near the door for your convenience.

**Note:** If you have any agenda questions, please contact Olga Guzman at [olga.guzman@sanjoseca.gov](mailto:olga.guzman@sanjoseca.gov)

The Planning Commission is a seven member body, appointed by the City Council, which makes recommendations to the City Council regarding the adoption, amendment, or repeal of general or specific plans, and regulation of the future physical land use development, redevelopment, rehabilitation or renewal of the City, including its Capital Improvement Programs. The recommendations to the Council regarding land use development regulations include, but are not limited to, zoning and subdivision recommendations. The Commission may make the ultimate decision on Conditional Use Permits, and acts as an appellate body for those persons dissatisfied with the Planning Director's decisions on land use and development matters. The Commission certifies the adequacy of Environmental Impact Reports.



The San Jose Planning Commission generally meets every 2<sup>nd</sup> and 4<sup>th</sup> Wednesday at 6:30 p.m., unless otherwise noted. The remaining meeting schedule is attached to this agenda and the annual schedule is posted on the web at <http://www.sanjoseca.gov/planning/hearings/index.htm> Staff reports, etc. are also available on-line. If you have any questions, please direct them to the Planning staff at (408) 535-7800. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

**AGENDA**  
**ORDER OF BUSINESS**

**1. ROLL CALL**

**2. DEFERRALS**

Any item scheduled for hearing this evening for which deferral is being requested will be taken out of order to be heard first on the matter of deferral. A list of staff-recommended deferrals is available on the Press Table.

Staff will provide an update on the items for which deferral is being requested. If you want to change any of the deferral dates recommended, or speak to the question of deferring these or any other items, you should say so at this time.

- a. **CP05-066 & V06-006**. Wireless - Conditional Use Permit and Development Exception for an existing wireless communications monopole on a 0.12 gross acre site in the CG General Commercial Zoning District, located on northeast corner Monroe Street and Forest Avenue (Stevens Creek Associates, Owner). Council District 6. SNI: None. CEQA: Exempt.

**DROP**

- b. **PDC05-109**. Planned Development Rezoning from A Agriculture Zoning District to A(PD) Planned Development Zoning District to allow up to 13 single-family detached residences on a 1.24 gross acre site, located at the southeast corner of Almaden Expressway and Almaden Road (18950 ALMADEN RD) (Carson Jon D and R Jennifer, Owner). Council District 10. SNI: None. CEQA: Mitigated Negative Declaration. Deferred from 9-27-06.

**DROP**

**3. CONSENT CALENDAR**

**NOTICE TO THE PUBLIC**

**The consent calendar items are considered to be routine and will be adopted by one motion. There will be no separate discussion of these items unless a request is made by a member of the Planning Commission, staff, or the public to have an item removed from the consent calendar and considered separately.**

**Staff will provide an update on the consent calendar. If you wish to speak on one of these items individually, please come to the podium at this time.**

- a. **PDC02-002**. Planned Development Rezoning from R-2 Two Family Residence District to A(PD) Planned Development District to allow two single-family detached residences on 0.33 gross acres, located on the south side of University Avenue approximately 100 feet northerly of Myrtle Street (970 UNIVERSITY AV) (Sharon Dains, owner). Council District 6. SNI: None. CEQA: Exempt.

**Staff Recommendation:**

Recommend to the City Council approval of a Planned Development Rezoning from R-2 Two Family Residence District to A(PD) Planned Development

District to allow two single-family detached residences as recommended by Staff.

- b. **CP06-004**. Conditional Use Permit request to allow a social service agency (adult instruction / training) with incidental daycare in an existing industrial office building on a 2.04 gross acre site in the IP Industrial Park Zoning District, located on southeast side of Berger Drive approximately 700 feet west of Oakland Road (1560 BERGER DR)(San Jose Conservation Corps, Owner). Council District 4. SNI: None. CEQA: Mitigated Negative Declaration.

**Staff Recommendation:**

Consider the Negative Declaration in accordance with CEQA. Approve a Conditional Use Permit to allow a social service agency with incidental daycare in an existing industrial office building as recommended by Staff.

- c. **CP06-044 and ABC06-019**. Conditional Use Permit and Liquor License Exception Permit to allow an eating and drinking establishment with late night use until 2:00 a.m. including an outdoor patio at an existing commercial building on a 0.50 gross acre site in the DC Downtown Primary Commercial Zoning District, located on the north side of Park Avenue, approximately 180 feet west of S. Market Street (177 PARK CENTER PLAZA) (177 Park Llc, Owner; Divco West Group Llc, Developer). Council District 3. SNI: None. CEQA: Use of the Downtown Strategy 2000 Plan Final EIR.

**Staff Recommendation:**

Consider the Environmental Impact Report in accordance with CEQA. Approve a Conditional Use Permit and Liquor License Exception Permit to allow an eating and drinking establishment with late night use as recommended by Staff.

- e. **CP06-023**. Conditional Use Permit to allow conversion of an existing single-family house to a day care center on a 0.15 gross acre site in the R-1-8 Single-Family Residence Zoning District, located at/on southwest corner of Hillsdale Avenue and Irlanda Way (1704 HILLSDALE AV)(Croteau Richard and Roxanna, owner; Roots Designs Inc Keith Rootsart, Developer). Council District 9. SNI: None. CEQA: Exempt.

**Staff Recommendation:**

Approve a Conditional Use Permit to allow conversion of an existing single-family house to a day care center as recommended by Staff.

The following items are considered individually.

#### 4. **PUBLIC HEARINGS**

- a. **An Ordinance amending Title 21** of the San Jose Municipal Code, the Zoning Code, to add a new section and amending section 21.06.030 of Chapter 21.06 of Title 21, all related to providing for an additional appeal to the City Council of certain environmental clearance determinations. CEQA: Not a Project. Deferred from 8-9-06, 8-23-06, 9-13-06 and 9-27-06.

**Staff Recommendation:**

Recommend to the City Council approval of a proposed ordinance amending Title 21 of the San Jose Municipal Code as recommended by Staff.

- b. **PDC04-043**. Planned Development Rezoning from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District to allow an approximately 170,000 square foot, five-story structure for a parking garage and automobile service center uses at an existing automobile dealership on a 5.77 gross acre site, located on the southwest corner of Stevens Creek Boulevard and Palace Drive (4500 Stevens Creek Boulevard). Council District 1. SNI: None. CEQA: Mitigated Negative Declaration. Deferred from 9-27-06.

**Staff Recommendation:**

Consider the Negative Declaration in accordance with CEQA. Recommend to the City Council approval of a Planned Development Rezoning from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District to allow an approximately 170,000 square foot, four-story structure for a parking garage and automobile service center uses as recommended by Staff.

- c. **CP06-030**. Conditional Use Permit to allow the co-location of six (6) additional wireless antennas at a height of approximately 52 feet on an existing 75 foot monopole with 12 existing antennas and allow associated equipment within an existing building on a 0.24 gross acre site in the HI Heavy Industrial Zoning District, located on north side of Lano Street approximately 300 feet east of Almaden Expressway (419 LANO ST) (Froom, Judith R Trustee & Et Al, Owner). Council District 7. SNI: None. CEQA: Exempt.

**Staff Recommendation:**

Approve a Conditional Use Permit to allow the co-location of six (6) additional wireless antennas as recommended by Staff.

- d. **CP06-032**. Conditional Use Permit to allow off-sale of alcoholic beverages at an existing public eating establishment on a 0.16 gross acre site in the CN Neighborhood Commercial Zoning District, located on the west side of Almaden Avenue, approximately 50 feet northerly of Oak Street (889 ALMADEN AV)(Bhullar Jaswinder And Mangal Singh, Owner). Council District 3. SNI: Washington. CEQA: Exempt.

**Staff Recommendation:**

Deny a Conditional Use Permit to allow off-sale of alcoholic beverages at an existing public eating establishment as recommended by Staff.

- e. [PD06-015 / ABC06-014](#). Planned Development Permit and Determination of Public Convenience and Necessity to allow off-sale of alcoholic beverages and a new sign at an existing retail store (Taylor Street Market) on a 9.02 gross acre site in the A(PD) Planned Development Zoning District, located at the southwest corner of East Taylor and North Ninth Streets (350 E Taylor Street) (The Esplanade, Owner). Council District 3. SNI: None. CEQA: Exempt.

**Staff Recommendation:**

Deny a Planned Development Permit and Determination of Public Convenience and Necessity to allow off-sale of alcoholic beverages and a new sign at an existing retail store as recommended by Staff.

**5. OPEN PLANNING COMMISSION SUMMER 2006 HEARING ON GENERAL PLAN AMENDMENTS**

**6. GENERAL PLAN CONSENT CALENDAR**

- a. The projects being considered are on an approximately 0.59-acre site located at the southwesterly quadrant of Alum Rock Avenue and McCreery Avenue. (Calderon, Owner and Applicant) APNs: 487-18-013(part), -014 and -015. Council District: 5. SNI: Mayfair. CEQA: Mitigated Negative Declaration.

1. [GP05-05-02](#). GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation from General Commercial on approximately 0.46 acres (1898 Alum Rock Avenue and at the northerly portion of 1884 Alum Rock Avenue), and from Medium Density Residential (8-16 DU/AC) on approximately 0.12 acres (57 McCreery Avenue) to Neighborhood/Community Commercial with a Neighborhood Business District Overlay on approximately 0.59 acres.

**Staff Recommendation:**

Consider the Mitigated Negative Declaration in accordance with CEQA. Recommend to the City Council approval of a General Plan amendment request to change the Land Use/Transportation Diagram designation to Neighborhood/Community Commercial with a Neighborhood Business District Overlay on an approximately 0.59-acre site.

2. [PDC05-112](#). Planned Development Rezoning from CG Commercial General and R-1-8 Single Family Residence Zoning Districts to A(PD) Planned Development Zoning District to allow 6,210 square feet for commercial uses on a 0.59 gross acre site.

**Staff Recommendation:**

Consider the Mitigated Negative Declaration in accordance with CEQA. Recommend to the City Council approval of a Planned Development Rezoning from CG Commercial General and R-1-8 Single Family Residence Zoning Districts to A(PD) Planned Development Zoning District to allow a 6,210 square-foot for commercial use as recommended by Staff.

**7. GENERAL PLAN PUBLIC HEARING CALENDAR**

NONE

**8. APPROVAL OF PLANNING COMMISSION RECOMMENDATIONS ON SUMMER HEARING ON GENERAL PLAN AMENDMENTS FROM OCTOBER 11, 2006**

**9. PETITIONS AND COMMUNICATIONS**

a. Public comments to the Planning Commission on nonagendized items. Please fill out a speaker's card and give it to the technician. Each member of the public may address the Commission for up to three minutes. The commission cannot take any formal action without the item being properly noticed and placed on an agenda. In response to public comment, the Planning Commission is limited to the following options:

1. Responding to statements made or questions posed by members of the public; or
2. Requesting staff to report back on a matter at a subsequent meeting; or
3. Directing staff to place the item on a future agenda.

**10. REFERRALS FROM CITY COUNCIL, BOARDS, COMMISSIONS OR OTHER AGENCIES**

**11. GOOD AND WELFARE**

- a. Report from City Council
- b. Commissioners' reports from Committees:
  - Norman Y. Mineta San Jose International Airport Noise Advisory Committee (Campos).
  - Coyote Valley Specific Plan (Platten)
  - Evergreen East Hills Vision Strategy Task Force (Zito)
  - Parks Funding Subcommittee (Zito)
- c. Review of synopsis
- d. Discussion of Topics for Planning Commission Retreat on November 9, 2006
- e. Adopt 2007 Planning Commission Meeting Schedule

**12. ADJOURNMENT**



## 2006 PLANNING COMMISSION MEETING SCHEDULE

<b>Date</b>	<b>Time</b>	<b>Type of Meeting</b>	<b>Location</b>
January 11	6:30 p.m.	Regular Meeting	Council Chambers
January 25	6:30 p.m.	Regular Meeting	Council Chambers
February 8	CANCELLED	Regular Meeting	Council Chambers
Thurs. February 16	6:30 p.m.	Regular Meeting	Council Chambers
February 22	6:30 p.m.	Regular Meeting	Council Chambers
March 8	6:30 p.m.	General Plan/Regular Meeting	Council Chambers
March 22	5:00-6:20 p.m.	<i>Study Session</i>	T-332
Discussion of additional parkland and open space for the City ( <i>Joint session with Parks Commission</i> )			
March 22	6:30 p.m.	General Plan/Regular Meeting	Council Chambers
April 12	6:30 p.m.	General Plan/Regular Meeting	Council Chambers
April 26	6:30 p.m.	Regular Meeting	Council Chambers
May 3	5:00 p.m.	<i>Study Session</i>	T-1654
<i>Review Capital Improvement Program</i>			
May 3	6:30 p.m.	General Plan/Regular Meeting	Council Chambers
May 24	CANCELLED	<i>Study Session</i>	T-332
<i>Joint study session with Parks Commission</i>			
May 24	6:30 p.m.	General Plan/Regular Meeting	Council Chambers
May 31	CANCELLED	Regular Meeting	Council Chambers
June 5	6:30 p.m.	General Plan/Regular Meeting	Council Chambers
June 14	6:30 p.m.	Regular Meeting	Council Chambers
June 28	6:30 p.m.	Regular Meeting	Council Chambers
July 12	6:30 p.m.	Regular Meeting	Council Chambers
July 26	6:30 p.m.	Regular Meeting	Council Chambers
August 9	5:00 p.m.	<i>Study Session</i>	T-1654
<i>Joint study session with Parks Commission</i>			
August 9	6:30 p.m.	Regular Meeting	Council Chambers
August 23	6:30 p.m.	Regular Meeting	Council Chambers
September 13	6:30 p.m.	Regular Meeting	Council Chambers
September 27	6:30 p.m.	Regular Meeting	Council Chambers
October 11	6:30 p.m.	General Plan/Regular Meeting	Council Chambers
October 25	6:30 p.m.	Regular Meeting	Council Chambers
November 8	6:30 p.m.	General Plan/Regular Meeting	Council Chambers
November 15	6:30 p.m.	General Plan/Regular Meeting	Council Chambers
December 6	6:30 p.m.	Regular Meeting	Council Chambers